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Dkt. 48940-A-PCT-US/JPW/TVC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John Loike and Samuel C. Silverstein

Serial No.: 09/177,843

Filed : October 22, 1998

For  A METHOD OF PREVENTING AND TREATING BACTERIAL  
INFECTION OF SUTURES AND PROSTHETIC DEVICES, AND  
PROMOTING INGRESS OF LEUKOCYTES INTO TUMOR FOCI

1185 Avenue of the Americas  
New York, New York 10036  
January 13, 1999

Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

COMMUNICATION IN RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF APPLICATION UNDER 37 C.F.R. §1.53 (d)

In response to a Notice to File Missing Parts of Application under 37 C.F.R. §1.53(d) issued in connection with the above-identified application on November 13, 1998, a copy of which is enclosed as **Exhibit A**, applicants submit as **Exhibit B** a Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63. The Declaration refers to the application's above-identified serial number and filing date. In accordance with the Notice, the deadline for submitting the Declaration and Power of Attorney is January 13, 1998. Accordingly, this Communication is being timely filed.

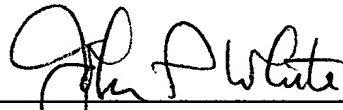
The enclosed check for SIXTY FIVE DOLLARS (\$65.00) covers the surcharge under 37 C.F.R. §1.16(e) for submitting the enclosed Declaration for a small entity.

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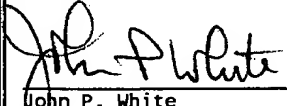
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invite the Examiner to telephone at the number provided below.

No fee, other than the enclosed fee of \$65.00, is deemed necessary in connection with the filing of this Communication. If any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
 John P. White Reg. No. 28,678	1/13/99 Date

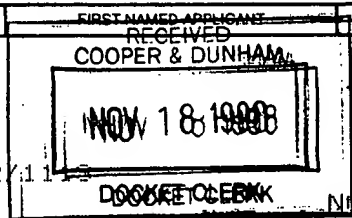


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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
JPM 9

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/177,843	10/22/98	LOIKE	48940-A-PCT-US

0222/11

COOPER & DUNHAM  
1185 AVENUE OF THE AMERICAS  
NEW YORK NY 10036



1614

DATE MAILED:

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

11/13/98

1/13/99

5/13/99

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 130.00.

☐ 1. The statutory basic filing fee is:

- ☐ missing.
- ☐ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

C. Mullen  
Customer Service Center

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